



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 4, 1996

Ms. Cathy Cunningham
Senior Assistant City Attorney
City of Irving
P.O. Box 152288
Irving, Texas 75060

OR96-0286

Dear Ms. Cunningham:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 38460.

The City of Irving (the "city") received an open records request for the following information:

Any and all studies, proposals, working papers, plans and/or documents prepared by city staff members or city-employed firms in 1994, 1995 or 1996 concerning the possible construction of sports arena within the city limits of Irving.

Any and all 1995 and 1996 correspondence prepared by city officials or their representatives and sent, transmitted or delivered to professional sports franchises or their representatives. This would include correspondence sent to the Dallas Stars of the NHL, Dallas Mavericks of the NBA and Dallas Cowboys of the NFL.

Any and all arena-related letters, faxes or computer-conveyed messages letters received by city staffers or city-employed firms from any of those three pro sports entities and processed by City of Irving staff members or elected officials during 1994, 1995 and 1996.

You state that the city has released to the requestor much of the requested information. You seek to withhold from the public pursuant to section 552.105(a) of the Government Code other documents which you contend would "show or reference information concerning [the] location or possible costs of location" of the proposed sports arena.

Section 552.105 of the Government Code excepts from required public disclosure

(1) the location of real or personal property for a public purpose prior to public announcement of the project; or

(2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

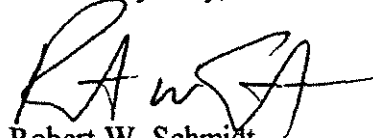
This office has addressed the applicability of this section only in instances where a governmental body intends to acquire property for a public purpose. *See, e.g., Open Records Decision No. 357 (1982).* "The opinions construing section [552.105], as well as the actual language of the exception, tie the provision to situations entailing the expenditure of public funds to acquire or use the subject property for public purposes in order to prevent speculation from inflating the price." *Open Records Decision No. 590 (1991) at 4.*

After reviewing the documents submitted to this office, we agree that portions of those records reveal or tend to reveal the location of the proposed sports arena. The city may withhold in their entirety all of the maps you submitted to this office. We also have marked the protected portions of the other documents that tend to reveal the location of the proposed arena.

The remaining information contained in these documents, while related to the financing and projected revenue of the proposed arena, does not appear to reveal the estimated purchase price of the real estate where the arena would be located. We therefore do not believe that this remaining information may properly be withheld from the public pursuant to section 552.105. Because you have not raised any of the act's other exceptions to required public disclosure, the city must release all information not otherwise marked as being excepted by section 552.105.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Robert W. Schmidt
Assistant Attorney General
Open Records Division

RWS/RWP/ch

Ref.: ID# 38460

Enclosures: Marked documents

cc: Mr. Doug Bedell
 Staff Writer
 The Dallas Morning News
 Communications Center
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 Dallas, Texas 75265
 (w/o enclosures)